



JAN 15 1999

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Holiday, CEO
E.I. du Pont Nemours and Co.
1007 Market Street
Wilmington, DE 19898

Re: General Notice for Remedial Investigation/Feasibility Study at the LCP Chemicals, Inc. Superfund Site, Linden, Union County, New Jersey and Request for Information Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 9601, et seq.

Dear Mr. Holiday:

The U.S. Environmental Protection Agency ("EPA") has documented the release of hazardous substances into the environment at the LCP Chemicals, Inc. site (the "Site"), located in the City of Linden, Union County, New Jersey. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, *et seq.*, and in response to these releases and the threat of future releases, EPA has spent public funds and anticipates spending additional public funds.

The Site is located at the foot of South Wood Avenue, an industrial area bordering the Arthur Kill. The property is designated as Block 587 Lots 3.01, 3.02, & 3.03 in the Linden City Tax Map, and occupies approximately 26 acres. LCP Chemicals, Inc. purchased the property and the chlorine production facility at the Site from GAF Corporation in 1972. Products manufactured at the Site include chlorine, caustic soda, hydrogen, muriatic acid, anhydrous hydrogen chloride, and bleach. Portions of the Site and/or operations were leased to other companies. The Site was proposed for inclusion on the Superfund National Priorities List on September 25, 1997.

Under CERCLA and other laws, responsible parties may be held liable for any costs incurred by the government in taking response actions at the Site. The costs may include, but need not be limited to, expenditures for investigation, planning, clean up of the Site, and enforcement actions. Responsible parties may also be subject to orders requiring them to take response actions themselves. Based on available information, EPA believes that you may be a potentially responsible party (PRP) with respect to this Site. Responsible parties under CERCLA include, among others, the current and past owners and/or operators of a facility from which there has been a release or there is a threatened release of hazardous substances, as well as persons who arranged for the transport for

disposal or treatment of hazardous substances owned or possessed by such persons. By this letter, EPA notifies you of your potential liability with regard to costs incurred by the government in taking response actions at the Site. EPA encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

EPA conducted environmental sampling at the Site under the authority of CERCLA. Based upon the results of this sampling, EPA has determined that contamination is present in the soil, sediment, and nearby surface waters due to past disposal practices at the Site. EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

On July 27, 1998, the Site was included on the National Priorities List, established under Section 105 (a) (8) (B) of CERCLA, 42 U.S.C. § 9605 (a) (8) (B), and set forth at 40 C.F.R. Part 300, Appendix B.

At present, EPA is planning to conduct the following studies at the Site:

1. A remedial investigation (RI) to determine the nature and extent of the contamination at and emanating from the Site and to evaluate the threat that this contamination poses to public health and the environment.
2. A feasibility study (FS) to evaluate possible remedial alternatives to remove, treat, or contain the hazardous substances at the Site.

In addition to the above studies, other measures may be necessary to protect health, welfare, or the environment. These other measures may include, but are not limited to:

1. Implementation of initial remedial measures or removal actions, *e.g.*, securing the Site to prevent human contact with hazardous or toxic substances, and/or removal of contaminated material;
2. Design and implementation of any remedy for addressing soil, groundwater, surface water, and/or sediment contamination that is ultimately selected by EPA for the Site; and
3. Any monitoring and maintenance necessary after remedial measures have been completed.

Requests for Information and General Notice letters were issued to the other PRPs (see enclosed PRP list) on February 27, 1998 and September 30, 1998, respectively. This letter is being sent to you at this time based upon new information that EPA has obtained since the time the above-referenced letters were issued.

By this letter, EPA wishes to determine whether you will voluntarily finance or perform the RI/FS for the Site. A negotiation meeting between EPA and the previously-identified PRPs is scheduled for January 20, 1999 at 10:00 a.m. at the EPA Regional Offices located at 290 Broadway, New York, New York. EPA welcomes and encourages your attendance at this meeting.

Any agreement by the PRPs to conduct the RI/FS must be memorialized in an administrative order on consent under CERCLA. A draft of the consent order is enclosed herewith. Please note that many of the provisions of the consent order are nationally consistent boilerplate provisions that the United States does not plan to negotiate. Please note further that EPA intends to negotiate one administrative order on consent with all PRPs who have submitted a good faith offer.

You will note that the enclosed administrative order on consent includes provisions regarding the payment of EPA's past costs at the Site. EPA has incurred at least \$85,601.98 in past costs as of August 18, 1998 and continues to incur costs. The costs incurred by EPA with respect to the Site are charged to the Hazardous Substance Superfund, established pursuant to 26 U.S.C. § 9507 and administered by EPA. As a PRP, you are potentially jointly and severally liable for EPA's costs, and interest. Demand is hereby made for payment of EPA's costs.

This notice is not being given under the special notice procedures of Section 122(e) of CERCLA, 42 U.S.C. § 9622(e), as EPA does not believe that those procedures would facilitate an agreement or expedite the performance of an RI/FS at the Site.

This letter also seeks your cooperation in providing information and documents relating to the contamination at the Site. We encourage you to give this matter your immediate attention, and request that you provide a complete and truthful response to this Information Request and attached questions within thirty (30) days of your receipt of this letter.

Under Section 104(e) of CERCLA, EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating:

- A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of on a vessel or at a facility, or transported to a facility;
- B) The nature and extent of a release or threatened release of a hazardous substance, pollutant, or contaminant from a vessel or facility; and
- C) The ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return the Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal

law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in the instructions for responding to the request for information, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which will assist the Agency in its investigation of the Site, or may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 *et seq.*

Instructions on how to answer the questions in this letter can be found in the enclosed attachments.

Your response to this information request should be sent to:

Mr. Muthu Sundram
Assistant Regional Counsel
Office of Regional Counsel
New Jersey Superfund Branch
U.S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, NY 10007-1866

with a copy to:

Ms. Patricia Simmons
Remedial Project Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 20th Floor
New York, NY 10007-1866

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed in this information request, it is necessary that you promptly notify EPA.

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Ms. Simmons at (212) 637-3865. However, calls of a legal nature or requests from attorneys should be directed to Mr. Sundram at (212) 637-3148.

We appreciate your immediate attention to these matters.

Sincerely yours,

Richard L. Caspe, P.E., Director
Emergency and Remedial Response Division

Enclosures

Instructions For Responding To The Request For Information

1. **Answer Every Question Completely.** A separate response must be made to each of the Questions set forth in this Information Request. For each Question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the Question and the subpart to which it responds.
3. **Provide the Best Information Available.** In answering these Questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request. If anything is omitted from a document produced in response to the "Request for Information," state the reason for and the subject matter of the omission.
4. **Identify Sources of Answer.** For each Question, identify (see Definitions) all the persons and documents you relied on in producing your answer. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of your parent corporation, affiliates, subsidiaries, divisions, agents and consultants should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.
5. **Continuing Obligation to Provide/Correct Information.** If additional information or documents responsive to this Request becomes known or available to you after you respond to this Request, EPA hereby requires pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
6. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e) (7) (E) and (F) of CERCLA, U.S.C. §§ 9604(e)(7)(E) and (F), Section 3007 (b) of Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response that you claim to be confidential, you must separately address each of the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection there within;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.

7. Disclosure to EPA Contractor. Information that you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files in which the disclosure to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
9. Objections to Questions. If you have objections to some or all the Questions contained in the Request for Information, you are still required to respond to the questions.

Definitions

The following definitions shall apply to the terms as they appear in this Information Request.

1. The term "you" or "Respondent" shall include any officers, managers, employees, contractors, trustees, successors, assignees, and agents as applicable.
2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall mean the LCP Chemicals, Inc. Site located in Linden, Union County, New Jersey.
4. The term "hazardous substances" shall have the same definition as that contained in Section 101 (14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, products or other nonhazardous substances.
5. The terms "CERCLA waste material" or "industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. It contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
 - b. It is a "hazardous waste" as defined in 42 U.S.C. §6904;
 - c. It has a hydrogen ion concentration (pH) of less than 2.0 or greater than 12.5;
 - d. It reacts violently when mixed with water;
 - e. It generates toxic gases when mixed with water;
 - f. It ignites or explodes;
 - g. It is an industrial intermediate waste product;
 - h. It is an industrial treatment plant sludge or supernatant;
 - i. It is coolant water or blowdown waste from a coolant system;
 - j. It is spent product which could be reused after rehabilitation; or
 - k. It is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
7. With respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.
8. The term "document" and "documents" shall include, but not be limited to, the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex message, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, chromatograms, mass spectra or spectrograms, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material.
9. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
10. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
11. The term "real estate" shall mean and include, but not be limited to the following: land, buildings, houses, dwelling places, condominiums, cooperative apartments, offices or commercial buildings, including those located outside the United States.
12. The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
13. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

Request For Information

- 1) a. State the legal name of your business.
- b. State the name and address of the president or the chairman of the board, or other presiding officers of your business.
- c. Identify the state of incorporation of your business and your business agent for service of process in the state of incorporation and in New Jersey.
- d. Provide a copy of your business "Certificate of Incorporation" and any amendments thereto.
- e. If your business is a subsidiary or affiliate of another company, or has subsidiaries, or is a successor to another company, identify these related companies. For each related company, describe the relationship to your business and indicate the date and manner in which each relationship was established.

In identifying a business entity that no longer exists, provide all the information called for in Question 1, except for the agent for service of process. If a business entity conducted business under more than one name, designate each name.

2. Does the business entity identified in Question 1 above have a permit or permits issued pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq*? Also, if any of the business entities identified in Question 1 above has/had an EPA Identification Number, state it in your answer to this Question.
3. Do you currently own, operate, lease, or maintain, or have you in the past owned, operated, leased, or maintained any real property at the LCP Chemicals, Inc. Site? Provide all relevant documentation, including leases, deeds, or other materials which relate to such premises.
4. Identify the business entity and provide the exact lot and block numbers of all of the business entity's past and present operations at the Site in Linden, New Jersey. Provide a map identifying the location of these properties. Provide the date(s) of each of the business entity's operations at the above-referenced lot and block numbers.
5. Provide a full description of all past and present operations of each business entity identified in Question 4 above. Your description shall include, but not be limited to, all

manufacturing, research and development, processing, maintenance, and/or handling activities. For each type of operation described in the answer to this Question, provide the name(s), and job description(s) of the person or persons responsible for the management of that particular operations. If such person(s) are no longer employed by the company, provide their last known address(es).

6. Has the business entity identified in Question 4 above generated, purchased, used and/or handled in any manner any hazardous substance in any of its operations or maintenance? Is that business entity currently engaged in such practice?

If the answer to the preceding question is yes, please answer the following questions:

- a. In what years did the business entity generate, purchase, use and/or handle any chemicals, halogenated or non-halogenated?
 - b. For what purpose were any halogenated or non-halogenated chemicals generated, purchased, used and/or handled by the business entity?
 - c. What was the volume of the halogenated or non-halogenated chemicals generated, purchased, used and/or handled by the business entity on an annual or any other durational basis?
7. Describe all storage and disposal practices employed by your company with respect to all hazardous substances, hazardous wastes and/or "CERCLA waste material" including, but not limited to, mixtures, solvents and degreasers, paints and paint-thinners handled in any way in the operation of the business entity identified in Question 4 above from the time operations commenced until the present. Include all on-site and off-site storage and disposal activities.
8. Indicate whether the business entity identified in Question 4 above used lagoons, impoundments and/or storage tanks to treat, store and/or dispose of hazardous materials, hazardous waste or "CERCLA waste material". If such units were used, please indicate the following:
- a. The installation date of said unit(s);
 - b. The use of said unit(s);
 - c. Whether hazardous substances, hazardous wastes and/or CERCLA waste material were stored/disposed of in said unit(s); and
 - d. The disposition of said unit(s).

9. Provide a copy of each document which relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" identified in response to Questions 6, 7, and 8 above.
10. Provide the date of any release of hazardous substances, hazardous wastes and/or "CERCLA waste material" including any halogenated or non-halogenated organic chemicals at the business entity identified in Question 4 above and/or property. Provide details of the ultimate disposal of contaminated materials.
11. Identify each person (including company, individual, partnership, etc.) having knowledge of the facts relating to the generation and/or disposal of hazardous substances, hazardous waste and/or "CERCLA waste material" identified in response to Questions 6, 7, and 8 above. For each person identified, provide the name, address and telephone number of that person and the basis of your belief that he or she has such knowledge.
12. Submit a copy of any lease, contract, permit or other written agreement relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or "CERCLA waste material" at the business entity identified in Question 4 above's facility in Linden, New Jersey. If the documents are unavailable, refer to Question 11, above, for the specific information required.
13. State whether any agreements or contracts (other than an insurance policy) exist which may indemnify the business entity identified in Question 4 above, present owners of shares in the company or past owners of shares in the company, for any liability that may result under CERCLA for any release or threatened release of a hazardous substance at the Site. If such agreements or contracts exist, please provide a copy of the agreement or contract. Identify any agreement or contract that you are unable to locate or obtain. If the documents are unavailable, refer to Question 11, above, for the specific information required.
14. State whether an insurance policy has ever been in effect which may indemnify the business entity identified in Question 4 above against any liability which the business entity may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so, please provide a copy of the policy. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
15. State whether any of the business entities identified in Question 4 above filed for bankruptcy and if so, provide the following information to the extent available to you:
 - a. The date of such filing;
 - b. The statutory provision under which a petition for bankruptcy was filed (i.e., Chapter 7, 11 or 13);

- c. The court where the petition was filed;
 - d. The name, address and telephone number of the bankruptcy trustee;
 - e. The disposition of the petition and the date on which it was so disposed; and
 - f. Any other information relevant to aforesaid bankruptcy.
- 16. Please supply any additional information which may help EPA to identify sources who disposed of hazardous substances, hazardous wastes and/or "CERCLA waste material" at the Site.
 - 17. Please supply any and all other documents that indicate or show a business relationship(s) between various business entities that had any kind of connection to the LCP Chemicals, Inc. Site, whatsoever it may be.
 - 18. State the name(s), address(es), telephone number(s), title(s) and occupation(s) of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the answers.
 - 19. Identify each person who assisted in any manner in responding to the "Request for Information" and specify the question for which each person provided assistance in responding.
 - 20. Sign the attached Certification of Answers.

PRPs FOR THE LCP CHEMICALS, INC. SUPERFUND SITE

Samuel J. Heyman
Chairman of the Board
GAF Corporation
1361 Alps Road
Wayne, NJ 07470

William H. Joyce
Chairman of the Board
Union Carbide Corp.
39 Old Ridgebury Road
Danbury, CT 06810

John Hodson, President
Caleb Brett USA, Inc.
Post Oak Tower
5051 Westheimer, Suite 1700
Houston, TX 77056

Peter R. Kuehne, President
Kuehne Chemical Co., Inc.
86 Hackensack Avenue
Kearney, NJ 07032

H. William Lichtenberger
Chairman of the Board
Praxair Inc.
Industrial Avenue
P.O. Box 237
Keasbey, NJ 08832

Charles Holiday, CEO
E.I. du Pont Nemours and Co.
1007 Market Street
Wilmington, DE 19898

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the Information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

day of _____, 1998

Notary Public